

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John Maurice Henoud,)
Petitioner,) Civil Action No. 4:13-1308-MGL
-vs-)
Warden, FCI-Bennettsville,)
Respondent.)

OPINION AND ORDER

This matter is before the court on Petitioner John Maurice Henoud's ("Petitioner") Motion to Transfer this matter to the Eastern District of North Carolina (ECF No. 9). On May 14, 2013, Petitioner brought this action against Respondent pursuant to 28 U.S.C. § 2241 seeking habeas corpus relief. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C, this matter was referred to the United States Magistrate Judge for pretrial handling and a Report and Recommendation. The Magistrate Judge issued a Report and Recommendation on October 11, 2013, recommending that the court grant Petitioner's motion and transfer the case to the Eastern District of North Carolina. (ECF No. 29). The parties were advised of their right to submit objections to the Report and Recommendation. (ECF No. 29-1.) Neither party has filed objections and the time for filing objections has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court reviews the Report and Recommendation only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citation omitted).

After reviewing the motion, the record, and the Report and Recommendation of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court adopts and incorporates the Report and Recommendation (ECF No. 29) by reference into this order. This matter is hereby transferred to the Eastern District of North Carolina.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

October 31, 2013
Spartanburg, South Carolina